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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,923	10/16/2003	Richard D. Bushey	286.043	7516

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EXAMINER

WILLIAMS, MARK A

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/686,923	Applicant(s) BUSHEY	
	Examiner Mark A. Williams	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/2/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, as well as the other independent claims, the term “adjustable portion” is not fully understood in the context of the claim language. In what way is it adjustable? By what structural means does adjustment take place?

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 6-8, 19, and 23 are rejected under 35 U.S.C. 102(b) as being

_____ anticiapted by B. Christmas, US Patent 1,921,561. A furniture glide for mounting _____

on the terminal end of a furniture leg having an outer surface, comprising a base 5 having a generally arcuate lower surface for engaging a supporting surface; and a sleeve 6 extending from the base and defining a cavity 14 for receiving the furniture leg, the sleeve inherently having an adjustable portion for accommodating furniture legs of different dimensions within the cavity by virtual of its elasticity.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-4, 9-11, 20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christmas in view of Anson, US Patent 2,731,056. Christmas discloses the claimed invention except for teaching the particular structure of the sleeve to include a plurality of flexible depressions and projections as well as flutes, as claimed. Anson teaches this general structure for the purpose of providing a retaining surface that is adapted for accommodating objects of various sizes within a predetermined range. It would have been obvious at the time the invention was made for one skilled in the art to have included in the design of

Christmas such a modifications, as generally taught by Anson, for the purpose of providing a retaining surface that is adapted for accommodating objects of various sizes within a predetermined range.

4. Claims 5 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christmas in view of Pratt et al., US Patent 710,073. Christmas does not explicitly teach backing layer and a felt pad as claimed. Pratt teaches this concept at elements *c* and *d*. These surfaces provided for reinforcement support of the furniture leg, and wear resistance. It would have been obvious at the time the invention was made for one skilled in the art to have included in the design of Christmas such modifications, for the purpose of reinforcement support of the furniture leg, and wear resistance.

5. Claims 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christmas in view of Ferencz, US Patent 6,405,982. Christmas discloses the claimed invention except for teaching an arcuate inner surface as claimed. Ferencz teaches this concept as an alternative way of adjustably mounting a sleeve to a furniture leg. It would have been obvious at the time the invention was made for one skilled in the art to have included in the design of Christmas such a

modification, as generally taught by Ferencz, for the purpose of providing an alternative way of adjustably mounting a sleeve to a furniture leg.

6. Claims 13-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christmas in view of Ferencz in further view of Anson or over Christmas in view of Ferencz in further view of Pratt. See the above rejections.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Williams whose telephone number is (703) 305-3438. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (703) 308-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark Williams

11/22/04



GARY ESTREMSKY
PRIMARY EXAMINER